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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

10 UNITED STATES OF AMERICA, ) CR15-1723 TUC RCC(DTF)  
11 )  
12 Plaintiff, )  
13 )  
14 v. ) **STIPULATION**  
15 )  
16 Lonnie Ray Swartz, )  
17 )  
18 Defendant. )  
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1. On August 19, 2014, the following American and Mexican officials met to discuss the shooting death of Jose Elena Rodriguez at the Offices of the PGR (Procuraduria General de la Republica) office in Nogales, Sonora:

Witnesses:

- a. Assistant U.S. Attorney Wallace H. Kleindienst;
- b. Assistant U.S. Attorney Karen Rolley;
- c. Department of Justice Civil Rights Division Attorney Henry Leventis;
- d. Department of Justice Office of International Affairs Attorney Bob Ciaffa;
- e. Lucien Haag, Forensic Expert;

- f. Michael Haag, Forensic Expert;
- g. Robert Tapia Valdez (PGR Prosecutor);
- h. Julio Trejo Villaria (Sonora AG, Department of Expert Services);
- i. Unknown PGR representative.

In lieu of testimony from Ms. Rolley and Mr. Lenventis, the defense and prosecution agree to the following:

- 2. Assistant United States Attorney, Karen Rolley was present at the meeting and took notes regarding statements made by Dr. Javier Diaz Trejo during the meeting;
- 3. AUSA Rolley recorded in her notes the following statements made by Dr. Diaz-

Trejo:

“The body had blood and cranial injuries. It had come in complete contact with the wall of the house or dwelling. The upper portion of the body had come in contact against the wall. The body had recent bullet wounds and particles of the wall on top of the body.”

“Body position final –internally and externally and peripheral wounds indicate all lead to conclude to lose balance and fall to ground was the first shot.”

“First impact was to the head=death, then he was shot up. The other wounds were to vital organs. Do not recall any to the spinal cord.”

“The trajectory was right to left, rear to forward.”

“First wound was to the head because that injury made the person lose balance. On the wall saw indication of impact – made note of some contusion.”

1 “Person fell forward, impact from behind-propel forward because body would  
2 show impact in another direction.”

3  
4 “Rule out shot in the back and then sustain gunshot to head?”

5 “No, I think he was standing and back was to shooter. The first impact he  
6 was standing because on the body were 5-6 impact wounds and displace in a  
7 different direction because of the impact and his position.”

8  
9 AUSA Henry Leventis recorded the following statements which he attributed to both Dr.  
10 Javier Diaz Trejo and Dr. Absalon Madrigal.

11 “Dr. Diaz and Dr. Madrigal believe the bullet wound to the head was the  
12 first wound because all of the other wounds have a rear to forward, right to  
13 left trajectory. Both physicians believe the first bullet that struck Elena  
14 caused his death.”

15  
16 “Dr. Diaz and Dr. Madrigal believe that the shot to the head which killed  
17 Elena caused him to lose his balance. They believe the scrapes to Elena’s  
18 hands and face were the result of being propelled forward by the impact to  
19 the cranial area.”


20  
21 “Dr. Diaz ruled out the government’s theory that Elena was running and shot  
22 in the back first and then the head. According to Dr. Diaz, because Elena  
23 first suffered a cranial impact, he didn’t have the brain function to break his  
24 fall, hence the scrapes to the back of his hands and his face. Dr. Diaz  
25 believes that either of the gunshot wounds to Elena’s head would have  
26 caused immediate incapacitation. Moreover, Dr. Diaz believes the trajectory

1 of the subsequent impacts on the body support that Elena was lying on the  
2 ground.”

3 Respectfully submitted this 15<sup>TH</sup> day of April, 2018:

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5 BY:

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Sean Chapman  
7 Attorney for Defendant

ELIZABETH STRANGE

First Assistant U.S. Attorney  
District of Arizona

  
Assistant U.S. Attorney